

COUNTY COUNCIL

OF

TALBOT COUNTY

2021 Legislative Session, Legislative Day No.: June 22, 2021

Resolution No.: 306


Introduced by: Mr. Callahan, Mr. Divilio, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES LOCATED AT 1004 S. TALBOT STREET (MARYLAND ROUTE 33), ST. MICHAELS, MARYLAND 21663 AND SHOWN ON TAX MAP 32 AS PARCEL 148 AND LOCATED AT 1006 S. TALBOT STREET (MARYLAND ROUTE 33), ST. MICHAELS, MARYLAND 21663 AND SHOWN ON TAX MAP 32 AS PARCEL 75 FROM "S-3" FUTURE PLANNED AREA FOR SEWER SERVICE A PERIOD OF 6-10 YEARS TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: June 22, 2021

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, August 10, 2021, Tuesday, September 14, 2021 and Tuesday, October 12, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: _____



Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES LOCATED AT 1004 S. TALBOT STREET (MARYLAND ROUTE 33), ST. MICHAELS, MARYLAND 21663 AND SHOWN ON TAX MAP 32 AS PARCEL 148 AND LOCATED AT 1006 S. TALBOT STREET (MARYLAND ROUTE 33), ST. MICHAELS, MARYLAND 21663 AND SHOWN ON TAX MAP 32 AS PARCEL 75 FROM "S-3" FUTURE PLANNED AREA FOR SEWER SERVICE A PERIOD OF 6-10 YEARS TO "S-1" IMMEDIATE PRIORITY STATUS

WHEREAS, those certain real properties located at 1004 S. Talbot Street (Maryland Route 33), St. Michaels, Maryland 21663, shown on Tax Map 32 as Parcel 148, and owned by Lee H. Schiller, Jr. and Christine F. Schiller, and located at 1006 S. Talbot Street (Maryland Route 33), St. Michaels, Maryland 21663, shown on Tax Map 32 as Parcel 75, and owned by Tim G. Guttman and Gretchen A. Guttman (collectively, the "Properties"; individually, a "Property"), were classified as "S-3", Future Planned Area for Sewer Service in a period of six (6) to ten (10) years in the 2002 Report of the Review; and

WHEREAS, the Properties are existing, improved residential properties, and each has an on-site sewage disposal system; and

WHEREAS, on December 29, 2020, the owners of the Guttman Property filed a Request for an Amendment to the Talbot County Comprehensive Water and Sewer Plan for Change of Priority Status requesting the reclassification of the Guttman Property's sewer status from "S-3" to "S-1", Immediate Priority Status, which is nineteen (19) years after the planned period of six (6) to ten (10) years; and

WHEREAS, on June 7, 2021, the owners of the Schiller Property filed a Request for an Amendment to the Talbot County Comprehensive Water and Sewer Plan for Change of Priority Status requesting the reclassification of the Schiller Property's sewer status from "S-3" to "S-1", Immediate Priority Status, which is nineteen (19) years after the planned period of six (6) to ten (10) years; and

WHEREAS, the County Engineer has evaluated and confirmed the feasibility of extending public sewer to the Properties, and requested that the Talbot County Office of Law prepare this amendment to the Talbot County Comprehensive Water & Sewer Plan ("CWSP") to facilitate extension of public sewer thereto; and,

WHEREAS, in accordance with the requirements of Md. Code Ann., Environment § 9-506(a)(1), the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review; and

WHEREAS, before the County Council may adopt the proposed amendment, the Talbot County Planning Commission must first certify that the same is consistent with the Talbot County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap those real properties located at 1004 S. Talbot Street (Maryland Route 33), St. Michaels, Maryland 21663, shown on Tax Map 32 as Parcel 148, and owned by Lee H. Schiller, Jr. and Christine F. Schiller, and located at 1006 S. Talbot Street (Maryland Route 33), St. Michaels, Maryland 21663, shown on Tax Map 32 as Parcel 75, owned by Tim G. Guttman and Gretchen A. Guttman, each consisting of one (1) lot of record, from the current classification of "S-3" to "S-1" Immediate Priority Status, as shown and described on a certain worksheet entitled "Comprehensive Water and Sewer Plan: Schiller and Guttman Properties, Tax Map 32, Parcels 148 and 75", prepared by the Talbot County Department of Public Works, dated May 10, 2021 and attached hereto as Exhibit "A".

SECTION THREE: Sewer service for the Properties shall be from the Region II Wastewater Treatment Plant in St. Michaels. The proposed sewer extension shall be constructed in accordance with the current Region II Sewer Service Policy and design guidelines.

SECTION FOUR: The proposed use for each Property shall be a residential dwelling with an allocation of 1.0 equivalent dwelling unit ("EDU") per parcel of sewer capacity as presented in the Talbot County Sewer Billing Ordinance, Bill 126. The peak flow sewer allocation to each Property shall be limited to one hundred twenty-five (125) gallons per day per EDU, and remaining capacity for the Region II plant shall be reduced accordingly.

SECTION FIVE: Connection to the sewer system serving the Town of St. Michaels and surrounding areas shall be through a septic tank effluent pump (STEP) system and force main.

SECTION SIX: This Resolution shall not be used to accommodate further subdivision of either Property existing when this Resolution is adopted without further amendment of the CWSP duly approved by the County Council.

SECTION SEVEN: The owners of the Properties shall each be responsible for contracting and paying for all required permits, easements, construction work, and all benefit and connection charges in accordance with a Public Works Agreement ("PWA") approved by the Department of Public Works for their respective Property. Each Property's PWA shall run with and bind that Property and shall be filed among the Land Records of Talbot County, Maryland within sixty (60) days from the date of approval of the Building Permit. The PWA may provide for recoupment of a portion of the construction costs from other lots served by the force main that may be authorized to connect to it in the future.

SECTION EIGHT: The owners of the Properties shall each be responsible for paying a connection fee of Twelve Thousand Two Hundred Dollars (\$12,200.00) for their respective Property to the Talbot County Sanitary District (the "Sanitary District") before commencing

construction to connect their respective Property to the Sanitary District's wastewater system. The connection shall be subject to periodic charges, tariffs, and policies as may be adopted from time to time.

SECTION NINE: The owners of the Properties shall be solely responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the County Engineer, to connect their respective Property to the force main, including, without limitation, any material, pumps, saddles, or other equipment, and for all costs incurred for ongoing maintenance and repair.

SECTION TEN: No sewer service shall be available to any area beyond the existing Properties to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of either Property, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

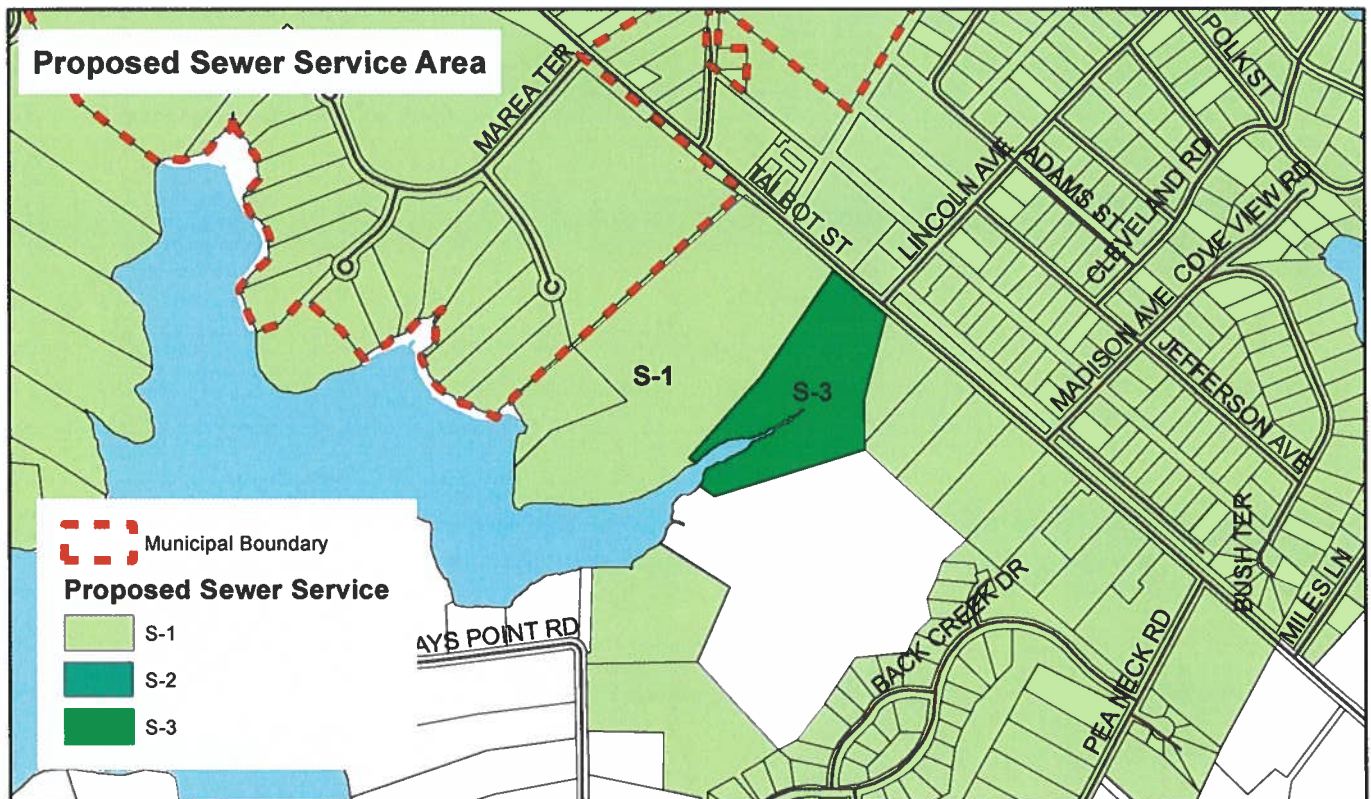
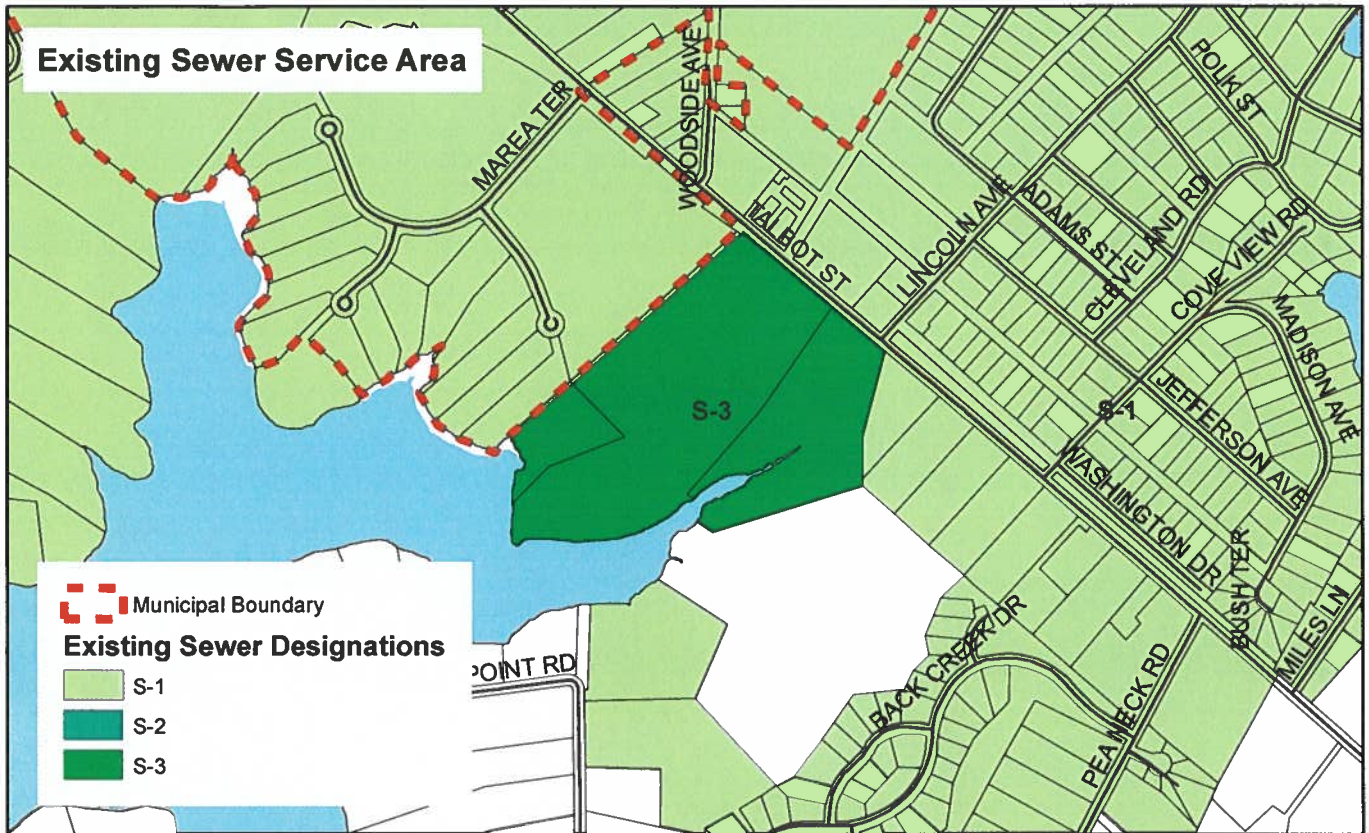
SECTION ELEVEN: The design shall be consistent with reasonable design standards for similar projects, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee may reasonably require, including the ability to isolate the connection.

SECTION TWELVE: The owners of the Properties shall be solely responsible for all remediation, mitigation, damages, charges, fines, penalties, or other costs imposed, levied, or assessed at any time by any federal, State, or local enforcement agency for any environmental damage or violation of law caused by or resulting from the connection to the force main.

SECTION THIRTEEN: This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary for connection to the force main.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its adoption.

Comprehensive Water and Sewer Plan Schiller and Guttman Properties - S-3 to S-1



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 306 having been published, a public hearing was held on Tuesday, August 10, 2021, Tuesday, September 14, 2021, and Tuesday, October 12, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: **October 12, 2021**

By Order: *Susan W. Moran*
Susan W. Moran, Secretary

Callahan	-	Aye
Divilio	-	Aye
Leshner	-	Aye
Price	-	Aye
Pack	-	Aye

Effective Date: **October 12, 2021**